

Crowd Management and Civil Disobedience 2003, Part 1

2 Hours - Telecourse DVD
November 2003

The first in a two-part series, this program provides an introduction and overview of crowd management and civil disobedience. The program begins with post-September 11 crowd behavior trends, followed by discussion of risks of ineffective crowd control. This telecourse program explores several other key areas, including:

- Objectives of law enforcement
- Types of crowds
- Crowd behavior
- Protestor Tactics, Trends, and Techniques
- "Before the Event" planning and tactics

The DVD program offers both linear and nonlinear viewing options:

1. Play telecourse in its entirety (2 hours).
2. Select among four telecourse segments:
 - Segments Overview (14 min.)
 - Protester Tactics, Trends and Techniques (16 min.)
 - Before the Event, Part 1 (25 min.)
 - Before the Event, Part 2 (25 min.)
3. Select among four telecourse interaction segments:
 - Training to Share Resources (6 min.)
 - Operational Planning (9 min.)
 - Coordination of Stakeholders (7 min.)
 - Terrorism Prevention Planning (4 min.)

For additional resources, see the online POST publication, ***Crowd Management and Civil Disobedience Guidelines***, available at www.post.ca.gov under the Publications section.

Based on the original May 2003 *Crowd Management and Civil Disobedience, Part 1* telecourse program.

POST Course Control Number: xxxx-30001-03004*
Telecourse Module Number: 03-11a
Reference Guide: Guidelines online (see summary at right)

* Specific to DVD only. The first four digits of the Course Control Number (xxxx) is the pre-assigned Telecourse Presenter Number specific to your agency.

Crowd Management and Civil Disobedience 2003, Part 2

2 Hours - Telecourse DVD
November 2003

The second in a two-part series, this Telecourse program continues with "during the event" and "after the event" planning and tactics for crowd management and control. Special focus is also placed on command issues before, during, and after an event. Program sections include:

- "During the event"
 - Crowd management and control
 - Dispersal orders
 - Tactical fundamentals
 - Use of force options
 - Incident documentation and evidence
- "After the event"
 - Debriefing and after action report
 - Criminal investigation
- Command Issues
 - Pre-event readiness
 - During the event
 - Post-event follow-up
 - Challenges to effective command

The DVD program offers both linear and nonlinear viewing options:

1. Play telecourse in its entirety (2 hours).
2. Select among four telecourse segments:
 - During the Event, Part 1 (25 min.)
 - During the Event, Part 2 (30 min.)
 - After the Incident (9 min.)
 - Command Issues and Close (18 min.)
3. Select among two telecourse interaction segments:
 - Crowd Management
 - Crowd Control

For additional resources, see the online POST publication, ***Crowd Management and Civil Disobedience Guidelines***, available at www.post.ca.gov under the Publications section.

Based on the original May 2003 *Crowd Management and Civil Disobedience, Part 1* telecourse program.

POST Course Control Number: xxxx-30001-03005*
Telecourse Module Number: 03-11b
Reference Guide: Guidelines online (see summary at right)

* Specific to DVD only. The first four digits of the Course Control Number (xxxx) is the pre-assigned Telecourse Presenter Number specific to your agency.



52 Minutes - Quarterly Edition DVD
July 2003

Case Law Today programs are released quarterly on a single DVD containing up to three months (18 total segments). Case Law Today programs are not accompanied by reference guides nor eligible for Continuing Professional Training (CPT) credit.

Spanking

with William Bedsworth, Justice of the Court of Appeal, State of California
Justice Bedsworth discusses a difficult issue plaguing the courts and law enforcement: excessive discipline by parents. In Whitehurst, the defense was that the parent was merely disciplining the child; Smith is a child molestation case that tried to use the same defense. Justice Bedsworth explains why the defense worked in one case but not another, and how law enforcement must approach the difficult issues. *Cases/Statutes cited: People v. Whitehurst* (1992) 9 CA4th 1045; *People v. Smith* (2002) 98 CA4th 1182. (7:19)

Miranda: Geez! Did He Invoke or What?

with Daniel McNerney, Superior Court Judge, State of California
A suspect's request for an attorney must be "unambiguous." Several cases are highlighted, including: *People v. Carey* (1986) 183 CA3d 99; *People v. Porter* (1990) 221 CA3d 1213; *U.S. v. Wallace* (1988) 848 F2d 1464; *People v. Walsh* (1993) 6 C4th 215; *In re Joe R.* (1980) 27 C3d 496; *Davis v. U.S.* (1994) 512 U.S. 452; *Smith v. Endell* (1988) 860 F2d 1528; *Alvarez v. Gomez* (1999) 185 F3d 995; *U.S. v. Cheely* (1994) 36 F3d 1439; *People v. Crittenden* (1994) 9 C4th 83; *People v. Clark* (1992) 3 C4th 41; *People v. Bestmeyer* (1985) 166 CA3d 520; *U.S. v. Fouche* (1985) 776 F2d 1398; *U.S. v. Ogbuehi* (1994) 18 F3d 807; *U.S. v. Doe* (1995) 60 F3d 544; *Clark v. Murphy* (2003) DAR 876; *People v. Scaffidi* (1992) 11 CA4th 145; *People v. Turnage* (1975) 45 CA3d 327. (8:45)

The Firefighter's Rule

with William Bedsworth, Justice of the Court of Appeal, State of California
The Firefighter's Rule is an important rule of civil litigation, and despite its name, it applies equally to peace officers. It generally prohibits an officer from recovering in civil court for injuries sustained on the job. Justice Bedsworth explains some exceptions from cases involving officers injured in a high-speed chase and while issuing a parking citation. *Cases/Statutes cited: Terry v. Garcia* (2003) DJDAR 5715; *Walters v. Sloan* (1977) 20 CA3d 199. (7:03)

Watch Out for Limits on Probation Search Clauses

with Jeff Rubin, Alameda County District Attorney's Office
Where computer-generated probation department roster did not distinguish between probationers with full-blown search clauses and clauses only allowing searches for stolen property, deputies' reliance on roster could not save probation search done to look for drugs. *Cases/Statutes cited: People v. Spence* (2003) 107 CA4th 1131. (6:22)

Can They Say That About a Police Officer?

with Jeff Rubin, Alameda County District Attorney's Office
Discusses a couple of cases in which officers were allowed to sue individuals who defamed them. *Cases/Statutes cited: Loshonkohl v. Kinder* (2003) DJDAR 6056; *Rodriguez v. Panayiotou* (9th Cir. 2002) 314 F3d 979; Civil Code §47.5. (14:25)

Confession Following Illegal Arrest Usually Will Be Suppressed

with Jeff Rubin, Alameda County District Attorney's Office
Confession of a 17-year-old boy was properly suppressed as product of illegal arrest where several officers (without probable cause) awakened the boy in his bedroom at 3 a.m., told the boy "we need to go and talk," took the undressed boy out of his home in cuffs, placed him in a patrol car, drove him to the scene of a crime, and then to a sheriff's interrogation room and questioned him. *Cases/Statutes cited: Kaupp v. Texas* (2003) 123 S.Ct. 1843. (7:43)



48 Minutes - Quarterly Edition DVD
August 2003

Case Law Today programs are released quarterly on a single DVD containing up to three months (18 total segments). Case Law Today programs are not accompanied by reference guides nor eligible for Continuing Professional Training (CPT) credit.

Miranda: Invocation Prior to Custody

with Daniel McNerney, Superior Court Judge, State of California

Miranda applies to custodial interrogation. Therefore, a suspect's effort to invoke a right to silence or counsel is invalid under Miranda if made prior to being placed in custody. Cases/Statutes cited: McNeil v. Wisconsin (1991) 501 U.S. 171; People v. Calderon (1997) 54 CA4th 766; U.S. v. LaGrone (1994) 43 F3d 332; People v. Farnam (2002) 28 C4th 107. (8:34)

Local Ordinances

with William Bedsworth, Justice of the Court of Appeal, State of California

Discussion of a case that upholds a Los Angeles Municipal Code as constitutional. Demonstrates how valuable local ordinances can be to law enforcement and Justice Bedsworth uses it to make the point that local ordinances-- while often overlooked-- can be useful tools that officers should become familiar with. Cases/Statutes cited: Vlasak v. Superior Court (2003) DJDAR 5127. (6:23)

Peace Officer's Bill of Rights: Administrative Appeals

with Daniel McNerney, Superior Court Judge, State of California

Under Gov. Code §3304(b), an officer subject to punitive action or denial of promotion is entitled to an administrative appeal. However, the right to cross-examine witnesses is not available unless the punitive action is severe or is called for in the Association's M.O.U. Cases/Statutes cited: James v. City of Coronado (2003) DJDAR 2409; Runyan v. Ellis (1995) 40 CA4th 961; Stanton v. City of West Sacramento (1991) 226 CA3d 1438. (7:03)

Car Burglaries: Proving Entry Into a Vehicle With "Locked Doors"

with Jeff Rubin, Alameda County District Attorney's Office

Explores some new (and old) cases on what circumstances must exist to find a suspect has entered a vehicle with "locked doors." Cases/Statutes cited: People v. Rivera (2003) WL 21153461; In re James B. (2003) 109 Cal.App.4th 862; People v. Woods (1980) 112 Cal.App.3d 226; People v. Burns (1952) 114 Cal.App.2d 566; P.C. §459-2d (7:07)

The Statute of Limitations and Old Child Molest Cases

with Jeff Rubin, Alameda County District Attorney's Office

Once a statute of limitations has expired, it cannot be revived. Thus, P.C. §803(g), which allowed the prosecution of certain sex-related child abuse crimes even after the original statute of limitations had expired, can only be applied to crimes whose statute of limitations had not run as of January 1, 1994. Cases/Statutes cited: Stogner v. California (2003) WL 21467073; P.C. §803(g). (8:08)

New Cases on "Apparent Authority" to Consent to Search

with Jeff Rubin, Alameda County District Attorney's Office

When is it reasonable to believe that a person has authority to consent to a search? Does consent to search a room permit the search of packages in the room belonging to somebody else? These questions and others are answered in light of two new 9th Circuit cases. Cases/Statutes cited: U.S. v. Enslin (2003) 327 F.3d 788; U.S. v. Davis (2003) WL 21349353. (10:53)



44 Minutes - Quarterly Edition DVD
September 2003

Hot Days and Speeding Tickets

with William Bedsworth, Justice of the Court of Appeal, State of California
Justice Bedsworth discusses a little known infraction whose enforcement could save lives (CVC §15620), and what an officer must be prepared to explain to the court to make a CVC §22350 citation hold up. *Cases/Statutes cited: People v. Behjat* (2000) 84 Cal.App.4th Supp. (7:28)

Vehicle Stops: "Good Faith" Belief That Driver Has Committed Violation

with Daniel McNerney, Superior Court Judge, State of California
An officer's "Good Faith" belief that a suspect has committed a vehicle code violation will no longer justify a traffic stop if it is later determined that the officer was mistaken as to the law. *Cases/Statutes cited: U.S. v. Leon* (1984) 468 U.S. 897; *Arizona v. Evans* (1995) 514 U.S. 1; *In re Aaron C.* (1997) 59 CA 4th 1365; *Illinois v. Krull* (1987) 480 U.S. 340; *People v. Willis* (2002) 28 C4th 22; *People v. White* (2003) DAR 3611. (8:26)

Driver Has No I.D.: Arrest or Cite?

with William Bedsworth, Justice of the Court of Appeal, State of California
Since this is the only violation of V.C. §21550.1 (operating a bicycle on the wrong side of the road) ever to reach the CA Supreme Court, it should come as no surprise that it involves some pretty wide-reaching rules of law. Justice Bedsworth explains how this simple infraction led to a state prison commitment and provided guidelines for the arrest of even the most minor offenders if they do not have what V.C. §40302(a) calls "satisfactory evidence of identity." *Cases/Statutes cited: People v. McKay* (2002) 27 Cal.4th 601. (7:34)

Must Know of Parole Search Term in Advance or Evidence Will Be Suppressed

with Jeff Rubin, Alameda County District Attorney's Office
In a turnaround from two years ago, the CA Supreme Court has held that if an officer without a warrant or warrant exception searches a parolee's residence, any evidence seized must be suppressed if the officer did not know the parolee was on parole before conducting the search. *Cases/Statutes cited: People v. Sanders* (2003) WL 21756849. (5:46)

Purposeful Violations of Miranda - Slammed!

with Jeff Rubin, Alameda County District Attorney's Office
Do not continue to interrogate a suspect in custody after he/she has invoked his/her Miranda rights to remain silent or to counsel. Doing so will make the statement inadmissible. *Cases/Statutes cited: People v. Neal* (2003) 1 Cal.Rptr.3d 650. (8:55)

No Right to Frisk Just Based on Time and Location

with Jeff Rubin, Alameda County District Attorney's Office
Although the time and location of a simple traffic stop can be factors in determining whether there is a right to pat search/frisk a traffic violator for weapons, these two factors by themselves are insufficient to support such a pat search/frisk. *Cases/Statutes cited: People v. Medina* (2003) 1 Cal.Rptr.3d 546. (5:23)

Additional Information

Copyright Notice

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Distribution and Ordering

Beginning July 2003, new CPTN video programs are distributed on DVD format only. Single copies of DVDs are automatically direct-mailed to all POST-Certified Telecourse Presenters and Basic Academies in the California POST Program. DVD programs cannot be duplicated. Multiple copies of CPTN materials are available via automated direct-mail to eligible agencies with multiple training sites. See POST Bulletins #03-03 and #03-13 at www.post.ca.gov/bulletin/bulletins.asp for more information about DVD distribution and eligibility. CPTN Program Guide information is subject to change.

All requests for copies of CPTN materials and CPTN subscriptions must be made by calling CPTN at 800.441.POST (7678)

Visit the CPTN website at www.post.ca.gov/training/cptn for complete CPTN information. Other questions not answered online may be directed to the POST Training Program Services Bureau at 916. 227.3913, or send email to cptn@post.ca.gov.

Telecourse CPT Credit

This month's Telecourse and most previous Telecourses are eligible for continuing professional training (CPT) credit if facilitated by a POST-Certified Telecourse Presenter. Certified Presenters of POST Advanced Officer Courses or Skills and Knowledge Modular training courses may also use the Telecourses as part of those courses. POST-Certified Telecourse Presenters seeking CPT credit for trainees must document Telecourse attendance on POST Course Roster (Form 2-111). Note that course control numbers are different for Telecourses on DVD (beginning July 2003). For detailed instructions on completion of the Telecourse Course Roster, visit www.post.ca.gov/training/cptn/credit.asp. Law enforcement agencies and POST-Certified Telecourse Presenters are authorized to duplicate CPTN materials for training purposes. Call the POST Training Delivery Bureau at 916.227.4863 for more information about Telecourse CPT credit.

Content Disclaimer

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Frequently Asked Questions

What Happened to the Weekly Satellite Broadcasts?

The satellite broadcast service transitioned to a DVD-based delivery system in July 2003. All new **Telecourse** and **Case Law Today** video programs are distributed on DVD via direct-mail to law enforcement agencies and Basic Academies in the California POST Program who are registered with POST as Certified Telecourse Presenters (see below). The monthly Telecourse series is designed to assist law enforcement training managers and instructors in meeting specific training needs or legislative mandates for their agency. Produced exclusively by California POST, instructional Telecourses may be used by agencies in the California POST program to satisfy Continuing Professional Training (CPT) requirements. As part of the conditions for Telecourse use, the Telecourses must be facilitated at the local agency by an instructor or supervisor. The Case Law Today program is not eligible for CPT credit.

Is My Agency on the DVD Mailing List?

To determine if your agency is listed as a Certified Telecourse Presenter or POST Basic Academy and on the DVD distribution list— or to obtain more information about Telecourse certification— visit POST online at www.post.ca.gov/training/cptn/credit.asp. If your agency is not listed and you wish to register as a Certified Telecourse Presenter with POST, follow the website instructions or contact the Training Delivery Bureau at 916.227.4863. A single copy of each newly released DVD program is automatically direct-mailed to eligible POST agencies monthly (Telecourses) or quarterly (Case Law Today). For eligible agencies with multiple training sites, the agency Training Manager may request multiple DVD copies by contacting POST at 916.227.3913. See POST Bulletins 2003-03 and 2003-13 online at www.post.ca.gov/bulletin/bulletins.asp for additional information about the DVD transition and agency eligibility.

Which Programs Are On VHS and DVD?

All new Telecourse video programs produced July 2003 and beyond are released only on DVD format. Telecourses broadcast on the network prior to July 2003 may still be ordered on VHS format only (NOTE: some prior Telecourses are scheduled for re-release on DVD format later in 2003-2004; check the CPTN website for upcoming releases). Case Law Today programs will be released on a quarterly basis (three months/18 segments per DVD). Case Law Today is available on DVD beginning with January 2003 episodes; programs prior to 2003 may still be ordered on a monthly VHS format only.

Is the CPTN Program Guide Available in Print and by Mail?

The monthly CPTN Program Guide has been expanded and is now available exclusively online at the POST website at www.post.ca.gov/training/cptn/program_guide.asp. The Program Guide provides updated program information not only for the current month DVD releases, but also future CPTN program releases and other CPTN information. The CPTN Program Guide is no longer printed nor mass-mailed.



PROGRAM GUIDE

Future CPTN Programs

**Kids In Peril: Exploitation,
Abuse, and Death 2003**

December 2003 - Telecourse DVD

**Kids In Peril: Missing
Children Cases 2003**

December 2003 - Telecourse DVD

The Qualities of a Good FTO

January 2004 - Telecourse DVD

**Case Law Today
(Oct-Nov-Dec 2003)**

January 2004 - Quarterly Edition DVD

2004 Legal Update

February 2004 - Telecourse DVD

Use of Force by Peace Officers

February 2004 - Telecourse DVD